

Application No. 08/819,669

Amendment dated September 18, 2007

Reply to Office Action of February 6, 2007

Docket No.: NY-LUD 5253-US5-DIV

REMARKS

Responsive to the Office Action of February 6, 2007, points 5-13, pages 5-11, appended hereto are papers relating to the filing of a petition to correct inventorship, and the granting of the petition via the issuance of a Certificate of Correction, in U.S. Patent No. 5,843,448. It is believed that all of the Examiner's issues are addressed therein. Now there is in fact commonality of inventorship, so the issues raised by the Examiner are moot.

With respect to the Examiner's comments regarding the oath filed in June 1997 (comments presented for the first time), these concerns are not understood.

This application was filed in accordance with standard divisional practice. The parent to the present case was filed as the National Phase application in the United States, as a PCT application. A PCT application that designated the United States was de facto, a United States application, and correct practice at the time was to file a declaration/power of attorney form with the PCT application number on the front not with information on the second page. That is the reason for the cross out, i.e., there are different ways to claim priority, and claiming it in the manner applicants did was the correct way to do so.

The foregoing is believed to explain the situation fully. Further, the specification has been amended to reflect all priorities, and as noted, the correction of inventorship in U.S. Patent No. 5,843,448 addresses the majority of the Examiner's issues.

With respect to common ownership, a statement of such cannot be made, because the ownership of U.S. Patent No. 5,843,448 is joint, whereas the ownership of the current application resides with one party, Ludwig Institute for Cancer Research. The patent and

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application do not stand as prior art to each other, as each claims precisely the same priority.

All issues raised by the Examiner are believed to have been addressed.

As has been stated, several times, this application has been pending for ten years. Every single time applicants have addressed the Examiner's issues, he has raised new ones.

It is high time that the prosecution be brought to an end, and the Examiner is called upon to either allow this application or to raise any remaining issues immediately.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-LUD 5253-US5-DIV (09885911) from which the undersigned is authorized to draw.

Dated: September 18, 2007

Respectfully submitted,

By 

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**UNITED STATES PATENT AND TRADEMARK OFFICE**  
Certificate

Patent No. 5,843,448

Patented: December 1, 1998

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without any deceptive intent, improperly sets forth the inventorship.

Accordingly, it is hereby certified that the correct inventorship of this patent is: Yao-Tsang Chen, New York, NY (US); Elisabeth Stockert (deceased), New York, NY (US); Yachu Chen, New York, NY (US); Pilar Garin-Chesa, Biberach (DE); Wolfgang J. Rettig, Biberach (DE); Lloyd J. Old, New York, NY (US); Thierry Boon-Falleur, Brussels, Belgium; and Pierre Van Der Bruggen, Brussels, Belgium.

Signed and Sealed this Eighteenth Day of September 2007.

WILLIAM R. DIXON, JR.  
Special Program Examiner  
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